



Economic and Social Council

Distr.: General
23 September 2014
English
Original: French

Committee on Economic, Social and Cultural Rights Fifty-second session

Summary record of the 9th meeting

Held at the Palais Wilson, Geneva, on Friday, 2 May 2014, at 10 a.m.

Chairperson: Mr. Kerdoun (Vice-Chairperson)

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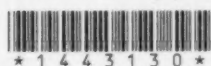
Combined second and third periodic reports of Monaco

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In the absence of Mr. Kedzia, Mr. Kerdoun (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Combined second and third periodic reports of Monaco (E/C.12/2014/MCO/2-3; E/C.12/2014/MCO/Q/2-3 and Add.1; HRI/CORE/MCO/2008)

1. *At the invitation of the Chairperson, the delegation of Monaco took places at the Committee table.*
2. **Ms. Lanteri** (Monaco) said that the Principality had striven to implement the Committee's recommendations since the previous dialogue in 2006. The High Commission for the protection of rights and freedoms and mediation had been established. Any individual or legal person could bring a complaint to the High Commission if they believed that their rights or freedoms had been infringed by the authorities or a Government service or if they considered themselves the victims of unjustified discrimination. The High Commission had the authority to issue opinions and study any matter related to the protection of rights and freedoms and non-discrimination. Furthermore, the Nationality Act of 1992 had been amended to permit the transmission of Monegasque nationality by women who had acquired it by birth or naturalization.
3. Regarding reproductive health, an Act adopted in 2009 established the Prenatal Coordination and Family Support Centre and authorized the medical termination of pregnancy in specific cases. Human rights had been integrated in curricula at all levels and were part of teacher training. The Government also ran programmes in schools to combat addiction, especially to alcohol and drugs. An Act had been adopted in 2007 to increase the protection of minors and punish offences against them. Regarding domestic violence, a 2011 act on the punishment of interpersonal violence aimed to strengthen the protection of women, children and persons with disabilities and had led to the adoption of measures to protect victims and train lawyers, judges and other professionals assisting them.
4. Regarding cultural rights, an Act on associations and federations of associations had been adopted in 2008, which removed all reference to the administrative supervision of associations. An Act on support and social protection for self-employed professional artists had been adopted in 2009 to promote Monegasque artistic expression. Lastly, the Directorate of International Cooperation was active in some 10 partner countries, mainly with the goal of eliminating poverty. It collaborated with non-governmental organizations (NGOs) and international organizations.
5. **Mr. Atangana** (Country Rapporteur) noted that, although the State party had mostly accepted the Committee's recommendations, it had not withdrawn its reservations, such as the reservation on article 2, paragraph 2, of the Covenant. He requested further information on court cases where the Covenant had been invoked.

Articles 1 to 5

6. **Ms. Bras Gomes** expressed regret that the State party did not wish to ratify the Optional Protocol to the Covenant, on a complaints procedure, and that it had not ratified certain Council of Europe instruments either. She asked whether the State party had changed its stance on that matter and whether it intended to ratify the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She also asked whether

the High Commission for the protection of rights and freedoms and mediation was considered as a national independent human rights institution and whether it had applied for accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

7. Regarding Supreme Court case law on discrimination, she requested examples of employment discrimination suits that had been brought before the courts. She asked whether anti-discrimination legislation listed all the prohibited grounds of discrimination set forth in article 2, paragraph 2, of the Covenant and whether it would be possible to expand the scope of the bill on discrimination in the public sector to include the new prohibited grounds mentioned in the Committee's general comment No. 20.

8. **Mr. Schrijver** asked whether the new national human rights institution fulfilled the Paris Principles. He requested further information on the State party's reasons for maintaining its reservations regarding the Covenant, and asked what impact their withdrawal would have on its legal system. He also asked whether the State party intended to ratify the main International Labour Organization (ILO) conventions and what it had decided regarding the opportuneness of ratifying the Optional Protocol. Lastly, he wished to know whether the Government was on track to achieve the goal of allocating 0.7 per cent of GDP to official development assistance by 2015.

9. **Ms. Shin** lamented the lack of information on the implementation of articles 2, 3 and 15 of the Covenant and hoped that the gap would be filled in the next periodic report. She asked whether civil society had been consulted during the preparation of the reports and whether the concluding observations issued pursuant to the consideration of the previous report had been broadly disseminated. She wished to know what was the current situation of Monegasque human rights NGOs and the nature of their collaboration with the authorities. She enquired about any steps taken to ratify the Convention on the Rights of Persons with Disabilities, as the State party had announced it would in 2009. She asked what system was in place to ensure that men and women had equal economic, social and cultural rights, including in the workplace, and how well represented women were in parliament and public bodies.

10. **Mr. Kedzia** asked whether international norms still prevailed over national laws once they had been incorporated into the national legal order. He wished to know whether a system had been set up for the implementation of the concluding observations made by the Committee and other treaty bodies and, if so, whether civil society organizations were involved.

11. **Mr. Sadi** asked what the main obstacles to the implementation of the provisions of the Covenant were and why the State party had failed to submit its second report on time. He also asked why refugees and asylum seekers were not included in the vulnerable persons category.

12. **Mr. Abashidze**, noting that only four articles of the Constitution concerned rights enshrined in the Covenant, asked whether the Government intended to adopt measures to reflect all Covenant rights in the Constitution and asked whether provisions had already been made for the direct enforceability of economic, social and cultural rights, as had been the case with civil and political rights. He wished to know why Monaco was not a member of the European Union and whether the Monegasque legal system protected economic, social and cultural rights better than the European system.

13. **The Chairperson**, speaking as a Committee member, asked on which continents contained the least developed countries to which the State party provided development assistance and the progress had been achieved in the area of environmental and climate protection.

14. **Ms. Pettiti** (Monaco) said that the annual budget for international cooperation would increase by 6 to 7 per cent as of 2015 and that 62 per cent of official development assistance for least developed countries went to Africa. The reservations regarding certain instruments and the non-ratification of other international instruments were due to the measures that the Government had had to take to ensure that the 8,000 nationals, out of the Principality's nearly 37,000 inhabitants, were given priority in terms of housing and employment.
15. **Ms. Cotta** (Monaco) said that, despite the fact that according nationals priority in employment and housing prevented the Principality from ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Monaco welcomed a very large number of foreign cross-border workers who were entitled to rights and protection in labour matters.
16. **Mr. Bessi** (Monaco) said that 2.6 per cent of the 46,600 private sector workers were Monegasque and that 15 per cent of employees lived in Monaco.
17. **Ms. Cotta** (Monaco) said that the Convention on the Rights of Persons with Disabilities had been signed in 2009 and that a bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities had been submitted to the National Council. The Government had also taken measures to provide employment assistance and improve accessibility in the city.
18. **Ms. Lanteri** (Monaco) said that the goal of the assistance that children with disabilities received in schools was to help them become as autonomous as possible so that, as adults, they could work and live autonomously but still benefit from social support.
19. **Ms. Cotta** (Monaco) said that ILO membership was being considered. Even so, Monegasque legislation already covered the principles and rules of ILO Minimum Age Convention, 1973 (No. 138) and ILO Worst Forms of Child Labour Convention, 1999 (No. 182).
20. **Ms. Lanteri** (Monaco) said that the High Commission for the protection of rights and freedoms and mediation had been established in compliance with the Paris Principles and that the High Commissioner, who had just taken up office, should soon be applying to the International Coordinating Committee of National Human Rights Institutions for accreditation. The submission of periodic reports was sometimes delayed due to limited human resources, given that the Foreign Affairs Secretary at the Directorate of International Affairs was the only person authorized to prepare them.
21. **Mr. Bessi** (Monaco) said that the law gave priority in employment to nationals, residents of Monaco, workers and job seekers residing in Monaco and workers living in neighbouring municipalities. It also provided for workers, irrespective of their nationality or place of residence, to be registered with the employment agency if they were Italian cross-border workers or had been laid off in Monaco as part of a mass redundancy. In addition, Act No. 629 of 17 July 1957 on recruitment and dismissal conditions set out the order of priority for recruiting and dismissing workers of equal skill. Cross-border workers, irrespective of their nationality, enjoyed the same rights in terms of remuneration and social benefits. All employees, regardless of their remuneration, were entitled to social security coverage equivalent to 85 per cent of the share of the local social security scheme. Private insurance companies financed exclusively by employers guaranteed that employees who suffered workplace injuries or occupational diseases received their full income.
22. All employees and employers were free to join the trade union of their choice. A union could only be established if at least half of its officers was of French or Monegasque nationality. Currently, the officers of the three trade union federations could only be of Monegasque nationality. All employees had the right to strike and could not be penalized

for doing so. In the event of a strike, the employees were required to organize, through the labour inspectorate, security services to maintain the condition of the premises. Some public services were obliged to guarantee a minimum level of activity during strikes. By law, men and women were entitled to equal pay for equal work. Affirmative anti-discrimination measures had been taken for women; for example, they were entitled to 11 hours' rest between work days, whereas men had 10.

23. **Ms. Cotta** (Monaco) said that the Government Councillor for Infrastructure, the Environment and Town Planning was a woman and that the Department of Foreign Affairs and Cooperation and the Department of Social Affairs and Health were headed by women. A number of senior posts in the judiciary were held by women and there were more female than male ambassadors. Of the 24 national councillors 5 were women, as were 4 of the 15 members of the Communal Council of the Monaco city authorities.

24. **Mr. Cellario** (Monaco) said that, since the Nationality Act had been amended, the conditions for acquiring Monegasque nationality applied equally to men and women, without exception.

25. **Ms. Lanteri** (Monaco) said that the Supreme Court had ruled that the Covenant was an integral part of national legislation.

26. **Ms. Pettiti** (Monaco) said that the Constitution was at the top of the hierarchy of norms, followed by international instruments, acts, ordinances and orders. International instruments were enforceable as soon as they were published in the Official Gazette, even before their incorporation into national legislation.

27. European legislation was already observed in myriad areas, given that France and Monaco had concluded many bilateral conventions forcing laws to be identical, such as in banking. Despite Monaco having belonged to the European Customs Union since 1968, in addition to the common system of value added tax (VAT), there were still difficulties regarding the freedom of movement of goods and services: although they could enter the Principality easily, the reverse was not true. After the dialogue established with the European Commission following the 2007 declaration on article 8 of the Treaty on European Union, the Council of Europe had decided in 2012 that various options might be considered to integrate Monaco more fully into the common market, such as the conclusion of one or more association agreements with the European Union.

28. **Ms. Lanteri** (Monaco) said that, owing to its geographical location, Monaco did not receive an influx of migrants by sea. All those who were granted refugee status enjoyed the same rights, under the same conditions, as residents.

29. Since the periodic report had been prepared in the lead-up to the universal periodic review, consultations with civil society had included issues related to the Covenant. As a rule, all documents were available on the Government's website.

30. **Mr. Tirado Mejía** asked whether it might soon be possible for a princess to become head of State.

31. **The Chairperson**, speaking as a Committee member, asked why the State party appeared to provide assistance to French-speaking least developed countries and not to English- or Portuguese-speaking ones.

32. **Mr. Atangana** asked why divorced women could not transmit Monegasque nationality.

33. **Mr. Abashidze**, referring to paragraph 244 of the 2008 core document, asked whether any NGOs specialized in dealing with infringements of human rights had been set up.

34. **Ms. Shin** regretted that the proportion of women in the Communal Council and the National Council was under 30 per cent, and asked how the roles of men and women in the family and society were perceived.

35. **Ms. Lanteri** (Monaco) said that Monaco had not adopted the Salic law of succession and that nothing prevented women from reigning; in fact, it had already occurred. However, the Constitution did define a hierarchy of children whereby the son acceded to the throne, even if he was the younger sibling. Monaco had been a member of the International Organization of la Francophonie since its establishment and had very close ties with French-speaking African countries, which was why it favoured least developed countries from that region when allocating development assistance.

36. **Ms. Ambrosini** (Monaco) said that, in terms of access to employment, no distinction, exclusion, restriction or preference was made on the grounds of race, colour, gender, religion, political opinion or social origin. The status of civil servants bill, currently under consideration by the National Council, prohibited discrimination on the grounds of political, philosophical or religious opinion, trade union affiliation, sexual orientation, health, disability, ethnicity or physical appearance. However, Monegasques were a minority in their own country; therefore, the Government had had to take measures to protect their access to employment and housing, which should not be seen as discrimination against foreigners.

37. **Mr. Cellario** (Monaco) said that a foreign national, male or female, who divorced a Monegasque could not transmit Monegasque nationality to a subsequent partner or to any children born of another relationship. Given the privileges afforded to nationals and the size of the country, the Government had no choice but to restrict the transmission of Monegasque nationality. The NGOs operating in the country were not specialized in human rights violations but, rather, dealt with issues of violence and discrimination.

38. **Ms. Cotta** (Monaco) said that domestic responsibilities were increasingly being shared and that Act No. 1309 of 29 May 2006 provided for paternity leave for employees. Fathers were entitled to 12 days for a single birth and to 19 days for multiple births or when the family already had two dependent children.

39. **Ms. Pettiti** (Monaco) said that the Covenant was regularly invoked by the public, including before the Supreme Court, which had issued a number of orders regarding working and housing conditions.

Articles 6 to 9

40. **Ms. Bras Gomes** asked whether the State party had put in place a parental leave system whereby one parent could care for a dependent adult, a sick child or a child with a disability and, if so, whether fathers had ever availed themselves of it. Referring to paragraph 30 of the report, she asked what the status was of the bill on employment contracts. She also asked what the working conditions of the approximately 1,900 domestic workers were, whether a complaints mechanism had been set up for them to report problems, given that there were no labour inspections in the private domain, and whether any abusive employers had ever been convicted. She asked whether the State party intended to ratify ILO Domestic Workers Convention, 2011 (No. 189). She wished to know whether the self-employed had social security coverage and whether any categories of worker were excluded. It would be interesting to know whether the State party had concluded bilateral social security agreements with most of the countries of origin of foreign workers in Monaco. Lastly, she regretted that the State party had not revised its legislation regarding access to social benefits for low-income foreigners working and living in Monaco, which currently made eligibility for social assistance contingent upon residency in the country for at least five years.

41. **Mr. Ribeiro Leão** asked whether the main amendments to labour law detailed in paragraph 16 et seq. of the report also applied to foreigners working in the informal sector.

42. **Mr. Kedzia**, referring to paragraph 32 of the report, asked whether the State party had any data on the exemptions from the length of residency requirement which were frequently granted to address sensitive social situations. He wished to know what percentage of exemptions were denied and, where applicable, the grounds for denial.

43. **Mr. Martynov** requested further information on the situation of persons with disabilities, specifically, their number, their employment rate in recent years and any programmes, such as quotas, implemented to promote their recruitment in both the private and public sectors. He wished to know the extent of informal work in the construction and hotel industries, and requested disaggregated data on the prevalence of occupational diseases as it related to the implementation the Covenant. He asked what legal obstacles prevented the State party from withdrawing the declaration it had made upon acceding to the Covenant and what institutional barriers prevented it from joining ILO. He wished to know whether a child from a low-income family living in Monaco for less than five years might be denied access to free health care.

44. **Mr. Sadi** asked whether the minimum wage was the same for residents of Monaco as for cross-border workers, and whether workers who commuted daily from France or Italy had access to social benefits on a par with residents.

Articles 10 to 12

45. **Mr. Ribeiro Leão** asked whether foreign youth could benefit from the measures taken to prevent and combat drug abuse.

46. **Ms. Cong** asked whether child labour and child pornography were an issue in Monaco and whether the State party cooperated at the international level to prevent trafficking in women and girls. She asked whether sex education classes were taught in schools, what percentage of people suffered from mental problems and what services were available to them.

47. **Ms. Shin** asked whether doctors, pharmacists and teachers were required to report any cases of domestic violence that might be brought to their attention and whether the law provided for stiffer penalties when victims had a disability. She also asked how many abortions had been performed since abortion legislation had been amended, whether women were aware of their rights in that regard and what measures the State party was taking to prevent early pregnancy.

48. **Ms. Ravenberg** asked what measures the State party was taking to guarantee the right of the child to the enjoyment of the highest attainable standard of health.

49. **Mr. Kedzia** asked whether bill No. 869 on interpersonal violence had been adopted, whether Act No. 1.355 of 23 December 2008, mentioned in paragraph 53 of the report, applied to all rights or only to cases of domestic violence, and what had been the specific outcome of the measures to combat drug abuse described in paragraphs 100 et seq. of the report.

50. **Mr. Schrijver** asked what percentage of GDP the Government had allocated to official development assistance in 2012 and 2013 and to what extent it based its priorities in that area on the provisions of the Covenant.

51. **Ms. Lanteri** (Monaco) said that, despite the crisis, official development assistance had held steady in 2012–2013 and currently stood at 0.4 per cent of GDP. The objective of over half of its bilateral and multilateral international cooperation programmes was to

provide health and social assistance to the most vulnerable groups, such as women, children and persons with disabilities.

52. **Mr. Mancisidor** asked to what extent the State party ensured that Monegasque women were active in scientific research and held senior posts in research teams, and how the State party fulfilled its obligations under article 15, paragraphs 1 (b) and 4, of the Covenant.

The meeting rose at 1 p.m.